

SUBDIVISION REGULATIONS

OF

CITY OF DIAMONDHEAD, MISSISSIPPI

DRAFT January 16, 2020

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ACKNOWLEDGEMENTS

Diamondhead City Council and Administration

Thomas E. Schafer IV – Mayor

Lindsey “Tink” L’Ecuyer – Councilperson

Nancy Depreo – Councilperson

Alan Moran – Councilperson

Jaime Wetzel Morgan – Councilperson

Vacant – Councilperson

Michael Reso - City Manager

Jeannie Klein - City Clerk

Ronald Jones – City Building Official/Zoning Administrator

Derek R. Cusick , Esq. - City Attorney

Diamondhead Planning and Zoning Commission

Dempsey Milton, Chairperson

EJ Bice, Vice Chairperson

Grant Bower

John Rubar

William Hourin

Todd Torguson

David Hector

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ARTICLE I – TITLE AND PURPOSE

100 - Necessity for Land Subdivision Regulations

100.1 In order to promote the health, safety, convenience, and general welfare of the inhabitants of Diamondhead, and to assist in bringing about the coordinated, efficient, and economical development of the city, there exists a need for the following regulations and minimum standards to be followed in the development or redevelopment of land subdivision in Diamondhead, Mississippi.

101 - Authority for Regulations

101.1 The provisions of the ordinance are adopted pursuant to the authority set forth in Title 17 of the General Laws of the State of Mississippi, Chapter 1, Section 17-1-1 through 17-1-27 inclusive of the Mississippi Code of 1972 annotated.

102 - Title

102.1 These regulations shall be known as the "Subdivision Regulations of Diamondhead, Mississippi" and may be so cited.

103 – Purpose

103.1 These regulations have as their purpose the attainment of objectives set forth in Section 100 of Article I through the application of procedures, standards, and requirements herein established. Specifically, these regulations are:

- a. To establish procedures governing the filing and approval of land subdivision plats and data in the corporate limits of Diamondhead.
- b. To establish minimum standards governing streets, utilities, and other required improvements.
- c. To establish minimum standards governing the preparation and filing of land subdivision plats and data to be submitted to Diamondhead for approval.
- d. To insure the proper coordination of future streets and their development with existing or planned streets.
- e. To fix penalties for the violation of the provisions of these regulations.
- f. To provide that the City of Diamondhead may issue variances to these regulations in certain cases or under certain conditions.
- g. To implement the Comprehensive Plan for the City of Diamondhead.

104 - Jurisdiction

104.1 From and after the date of adoption, these regulations shall govern all subdivisions of land within the City of Diamondhead, Mississippi, provided, however, the provisions of these regulations shall not be applicable to undivided lands containing ten (10) or more acres and which are used presently or proposed for farming and agricultural purposes.

105 - Administration

105.1 The Planning & Zoning Administrator (hereinafter “Administrator”) for the City of Diamondhead or his designated representative shall administer this ordinance, and the City of Diamondhead may employ any staff, person, persons, or consultants to assist in the administration and coordination of these regulations. Final approval of plats and other data shall be the responsibility of the Diamondhead City Council as prescribed by law.

105.2 The Administrator for the City of Diamondhead shall develop the necessary forms, applications, check lists, schedules, permits or any other document necessary for the full administration and implementation of these regulations, and said forms, applications, check lists, schedules or otherwise shall be distributed with these regulations.

105.3 In administering and enforcing the terms and provisions of these regulations the Administrator shall consult with the department directors, the City Engineer or designated Engineering Consultant selected by the City, or representatives from other service providers for the purpose of properly and effectively applying these regulations.

106 - Plat Required

106.1 These regulations and development standards shall apply to the following forms of land subdivisions:

- a. Any owner and/or owners of land lying or being situated within the City limits of Diamondhead, Mississippi who wish to divide such land into two (2) or more parcels, lots, sites, and/or other divisions, for the purpose of sale or development, or any party who wishes to resubdivide lands for such purpose shall be required to abide by the rules, regulations, and procedures outlined in this ordinance.
- b. The dedication, vacation or reservation of any public or private right-of-way or easement through any tract of land regardless of the area involved, including those for use by public and private utility companies.
- c. The dedication or vacation of any street or alley through any tract of land regardless of the area involved.
- d. The division of land, previously subdivided or platted, into tracts, lots, sites or parcels, of less than ten (10) acres in area.

106.2 – Exemptions

A parcel of land less than one (1) acre shall follow the required procedure below:

- A. Submit to the Administrator a legal survey showing:
 1. The total amount of property to be subdivided (sq. ft.)
 2. Dimensions of the property to be subdivided and of each subdivided lot
 3. Legal Description of overall lot to be subdivided (property)

4. Legal Description of each subdivided lot
5. Identify and delineate all special flood hazards areas
6. Any and all public dedicated street (name and width)
7. Identify all easements
8. Approval wording
9. Identify all utilities, including drainage features
10. Setting monuments
11. Statement of Closure Error
12. Recording wording
13. Delineate Front Yard Set Back (FYSB), Side Yard Set Back (SYSB) and Rear Yard Set Back (RYSB).
14. ID parcels

106.2.1 Administrator shall review submittal for compliance with these regulations, the components of the comprehensive plan, the zoning ordinance, and other plans, programs, conditions and regulations that might affect the area and the design and development of the subdivision.

106.2.2 If submittal meets all requirements, Administrator shall forward to City Council with recommendation to approve subdivision. If submittal does not meet all requirements or requires a variance, Administrator shall forward to the Commission and shall follow the process listed for Sketch Plat Approval (Article 301).

107 - Enforcement

107.1 The Administrator is authorized to make determinations as to whether or not said Regulations are being complied with by any subdivider and to issue citations, if needed. If subdivider is non-compliant with citation, Administrator shall make recommendation to City Council such action or actions as are necessary to enforce these Regulations. The City Council shall take such action as may be deemed necessary to enforce these Regulations including injunction or other remedial relief as be considered proper.

ARTICLE II – DEFINITIONS

200 - Definitions

200.1 For the purpose of these regulations, certain words and terms used herein are defined as follows:

1. Administrator – See Administration, Article 105
2. Alley - A minor right-of-way, dedicated to City of Diamondhead use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.
3. As Built – A set of drawing submitted by the developer, engineer, and/or contractor upon completion of a project that depicts the actual dimensions, geometry, and location of all elements of the completed construction. The drawings provide the City with a permanent record of the work completed during the project. The drawings shall be two (2) hard copies of drawings and a CD with AutoCAD and GIS files of drawings.
4. Average Daily Traffic (ADT) - The volume of traffic counted on the roadway over a given time period (greater than one day but less than one year) divided by the number of days in that time period.
5. Benchmark - A definite point of known elevation and location and of permanent character.
6. Block - A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or green strips, rural land or drainage channels or a combination thereof.
7. Building Line or Setback Line - A line or lines designating the area outside of which, buildings may not be erected.
8. City Clerk - The City Clerk of the City of Diamondhead, Mississippi.
9. City Council - The elected governing body of the City of Diamondhead, Mississippi.
10. City Engineer - The City Engineer of the City of Diamondhead, Mississippi or engineering consultant selected by City of Diamondhead to serve in role of City Engineer on a project.
11. City Planner – The City Planner of the City of Diamondhead, Mississippi
12. Civic Space - An open area dedicated for City of Diamondhead use, typically for community gatherings. Civic Space Types are defined by the combination of certain physical constants defined by the relationship between their intended use, their size, their landscaping and their fronting buildings.
13. Commission - The Planning and Zoning Commission for the City of Diamondhead, as appointed by the City Council.
14. Comprehensive Plan - The document entitled Diamondhead, Mississippi 25 Year Comprehensive Plan or any part thereof, adopted by the Diamondhead City Council.

15. Conditional - Granted or made on provisions set forth in this ordinance.
16. Construction Documents – Includes the plans, elevations, profiles, topography, layout or any other map, drawings or specifications, along with supporting data, utilized to define and guide the physical development of the subdivision. Construction Documents are those which are compiled by a Mississippi licensed engineer or other duly licensed design professional.
17. County - Hancock County, Mississippi.
18. Crosswalkway - A public right-of-way ten (10) feet or more in width between property lines, which provides pedestrian access to adjacent properties.
19. Cul-de-sac - A short street having one end open to traffic and being permanently terminated within the plat by a vehicular turnaround.
20. Development - The act of installing site improvements and building structures,
21. Developer - That person, firm or corporation by whom a tract will be subdivided and improved, pursuant to the requirements of this chapter.
22. Development Review Committee – The City of Diamondhead Development Review Committee including members of the City’s professional staff (Administrator, City Engineer, Public Works, Police Department, Fire Department and representative of Diamondhead Water & Sewer District) or consulting professionals selected by the city whose duties and responsibilities include meeting with developer of proposed subdivision and reviewing proposed subdivision for compliance with City of Diamondhead Ordinances and Subdivision Regulations.
23. Ditches - A drainage area which has a side slope no steeper than three (3) feet horizontally and one (1) foot vertically.
24. Easement - A grant by the property owner to the City of Diamondhead, a corporation, or persons, of the use of a strip of land for specific purposes.
25. Engineer - Shall mean a registered professional engineer licensed in the State of Mississippi.
26. Engineering Plans - The drawings on which the proposed subdivision improvements are shown and which, if approved, will be used for construction of the improvements.
27. Exempt Subdivision – Subdivision of a parcel of property no more than 1 acre in size into no more than three (3) lots meeting the zoning requirements for the zoning district in which the parcel is located. The subdivided property must front onto a public street, have access to existing utilities, not require construction of a street or extension of utilities (other than service lines) to subdivided property and complies with these regulations, the components of the comprehensive plan, the zoning ordinance, and other plans, programs, conditions and regulations that might affect the area and the design and development of the subdivision
28. Frontage - That edge of a lot bordering a street.
29. Health Department - The Hancock County Health Department.
30. Improvements - Street surfacing, with water mains, sanitary sewers, drainage Improvements, utilities and monuments. Curb and gutter, storm sewers, sidewalks and other amenities may be provided by developer.

31. Improvement Plans - The engineering drawings showing types of materials and construction details for the physical structures and facilities, excluding dwelling units to be installed in conjunction with the development of the subdivision, if applicable.
32. Lot - A subdivision of a block or other parcel of land intended as a unit for the transfer of ownership or for building development or both, and which abuts on a public right-of-way. Lots mean tracts, sites or parcel.
33. Lot Area - The total horizontal area within the boundaries of a lot exclusive of any area designated for street purposes.
34. Lot, Corner - A lot located at the intersection of and abutting on two or more streets.
35. Lot, Double Frontage - A lot which runs through a block from street to street and which abuts two or more streets.
36. Lot, Reverse Frontage - A lot fronting on two (2) parallel streets but access to only one.
37. Lot Width - Shall mean the width of the lot at the building setback line measured parallel to the street right-of-way line.
38. Low Impact Development (LID) – An approach to land development that works with nature to manage stormwater as close to its source as possible by preserving and recreating natural landscape features, minimizing effective imperviousness to reduce the impact of built up areas. LID systems include bioretention facilities, rain gardens, rain barrels, permeable pavements and other approaches.
39. Master Plan (Land Use Plan) - A composite of the mapped and written proposals recommending the physical development of the community, which shall have been adopted by the City Council. Master Plan includes the Comprehensive Plan or portions thereof.
40. City Council - The chief legislative body of the City of Diamondhead.
41. Municipal or Municipality - The City of Diamondhead and, where appropriate to the context, that area lying within the corporate limits of such city as such corporate limits exist or may exist in the future.
42. Non-residential Subdivision - Either or both of (A) a division or redivision of a tract into more than one lot, plat, or site for commercial or industrial purposes, and (B) the dedication or establishment of a street, alley, pedestrian or public way, in conjunction with, or use in any such tract.
43. Open Space - See Civic Space.
44. Performance Guarantee - Any security which may be accepted in lieu of a requirement that certain improvements be made before the city council or any other approving body approves a final plat, including performance bonds by subdivider or improvement contractors, escrow agreements, and other similar collateral or surety agreements.
45. Planning and Zoning Commission – The Planning and Zoning Commission for the City of Diamondhead as appointed by the City Council.

46. Transportation Plan - The component part of the Comprehensive Plan for the City of Diamondhead showing the general locations of principal thoroughfares, railways, airports, waterways, and other transportation facilities.
47. Community Facilities Plan - The component part of Comprehensive Plan for the City of Diamondhead showing the general locations of parks, recreation areas, school sites and other public buildings and community facilities.
48. Future Land Use Plan - The component part of the Comprehensive Plan for the City of Diamondhead showing the areas recommended for residential, commercial, industrial and other purposes.
49. Plat, Preliminary and Final - A map of land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances, and with a complete bearings and dimensions of all lines defining lots and blocks, streets, alleys, public areas and other dimensions of land. Article 302 lists requirements of Preliminary Plat and Article 303 list requirements of Final Plat.
50. Private Subdivision – A subdivision development in which the infrastructure (roads, streets, utilities, etc.) is not dedicated to public use or public maintenance.
51. Public Open Spaces - Public Open Spaces means land, which may be dedicated or reserved, for acquisition for general use by the general public. It includes parks, parkways, recreation areas, school sites, community or public building sites, and public parking spaces.
52. Re-Plat - The redivision of any part or all of any block of a previously platted subdivision, addition, lot or tract.
53. Reserve Strip - The strip of land smaller than a lot retained in private ownership for the purpose of controlling access to land dedicated or intended to be dedicated to street or other public use.
54. Resubdivision - The redivision of any part or all of any block or blocks of a previously platted subdivision, addition, lot or tract.
55. Right-Of-Way - A grant by the property owner, usually in the form of a dedication to the City of Diamondhead, of a strip or strips of land to be used primarily for transportation passage over the land.
56. Roadway width or surfaced width - Roadway width or surfaced width means that portion of the street available for vehicular traffic, and, where curbs are laid, the portion between curbs.
57. Sidewalk - The portion of a street or crosswalkway, paved or otherwise surfaced, intended for pedestrian use only.
58. Sketch Plat - A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land. All adjoining landowners, easements and rights-of-way will be included. Article 301 lists requirements of Sketch Plat.
59. Slope - The rate of deviation of the ground surface from the horizontal surface, as expressed in percentages.
60. Street - The term street means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.
61. Street, Arterial - Streets which are used primarily for fast or heavy traffic and that form a part of the existing or proposed City Transportation Plan, Federal Aid Highway System, and/or the State Highway System.

62. Street, Collector - A street which carries traffic from minor streets to the major streets in residential and business areas and include the principal entrance streets of a residential development and streets for circulation within such a development.
63. Street, Cul-de-Sac - A short street having one end open to traffic and being permanently terminated within the plat by a vehicular turnaround.
64. Streets, Frontage or Service - A minor street auxiliary to, and located on the side of a major street for service to abutting properties and adjacent areas for control of access and protection from through traffic.
65. Streets, Minor - A street, which is used primarily for access to the abutting properties. Minor streets are shown as local streets in the Comprehensive Plan.
66. Subdivider - Any person, firm, partnership, corporation or other entity, acting as a unit; subdividing or proposing to subdivide land as herein defined.
67. Subdivision - The division or re-division of land into two or more lots, tracts, sites or parcels for the purpose of transfer of ownership or for development, or the dedication or vacation of a public or private right-of-way or easement.
68. Surveyor - A licensed land surveyor to practice the profession of surveying in the State of Mississippi.
69. Tentative Approval - The approval by the Planning & Zoning Commission of the sketch plat as such approval is required by these regulations.
70. Trenches – long, narrow ditch for installation of utilities.
71. Utility - A commodity or service which is of public consequence and need, such as electricity, gas, sewer, water, transportation, or telephone or internet service.
72. Variance - The granting of permission to use or alter land which requires a variation from the strict application of the requirements of the Subdivision Regulations. Variances are granted only if specific criteria are met. A variance may not be granted to develop land in a manner that is not permitted in the Subdivision Regulations.
73. Zoning Administrator - The administrative officer authorized by the City having the power and duty of enforcing and administering the provisions of the Subdivision Regulations.

200.2 Words used in the present tense include the future tense, the singular number includes the plural number, and the plural number includes the singular number; the masculine gender shall include the feminine and the neuter and vice-versa; the term "building" includes the term "structure"; the term "occupied" includes the term "designed or intended to be occupied"; the term "used" includes the term "arranged, designed or intended to be used"; the term "shall" is mandatory and not directory.

ARTICLE III – PROCEDURES

301 - Procedure for Approval of the Sketch Plat

301.1 The purpose of the sketch plat is to develop a general design on which to base the preliminary and final plat, and thus to avoid having to revise such design, and relate it to surrounding development. To this end, the subdivider should consult with the Development Review Committee on preparation of the sketch plat.

301.2 The subdivider shall submit to the Commission, eight (8) scaled 24" x 36" copies of the sketch plat of the proposed subdivision approved by the Development Review Committee, together with the attendant items required herein prior to the submission deadline as established and published by the city. The review shall take into consideration, in addition to the requirements set forth in these regulations, the components of the comprehensive plan, the zoning ordinance, and other plans, programs, conditions and regulations that might affect the area and the design and development of the subdivision.

301.3 Sketch plat approval by the Commission requires City Council approval.

301.4 The subdivider must submit a general layout drawing of the proposed subdivision or development. The sketch plat shall indicate location of the subdivision, street alignment, lot sizes, desired improvements, location of existing and proposed utilities, access roads, identification and delineation of flood plains based upon the current FEMA FIRM map and drainage facilities, and shall provide additional information that is deemed reasonably necessary within the scope of this ordinance by the city.

301.5 A public hearing before the Planning-Commission at which parties in interest and citizens shall have an opportunity to be fully heard shall be held for all applications for sketch plat approval.

301.6 Notice of the proposed sketch plat application and of the time and place of the public hearing shall be published in an official paper, or a paper having a general circulation in the City of Diamondhead at least fifteen (15) days before the date of the public hearing. The hearing notice shall be mailed via first class mail to property owners located within three hundred feet (300') of the proposed subdivision fifteen (15) days prior to date of the public hearing.

301.7 If, after submittal of the Sketch Plat, the Administrator determines that the proposed subdivision meets the requirements of an Exempt Subdivision and these regulations, the components of the comprehensive plan, the zoning ordinance, and other plans, programs, conditions and regulations that might affect the area and the design and development of the subdivision, the Administrator shall notify the developer to prepare the Final Plat for the Exempt Subdivision.

302 - Procedure for Approval of Preliminary Plat

302.1 The purpose of the preliminary plat, together with the attendant items required herein is to provide plans for the construction of the subdivision and its improvements as well as a draft of the final plat of the subdivision. To this end, during preparation of the preliminary plat, the subdivider should consult with the Administrator, Development Review Committee and with other officials and agencies concerned with the subdivision and the improvements. The preliminary plat and construction plans shall be based upon the general design shown on the approved sketch plat, together with the recommended changes.

302.1.1 The Developer shall submit to the Administrator, the following items:

- a. Five (5) copies, with one being no smaller than 24" x 36" and twelve at 18" x 24" of the preliminary plat;
- b. Three (3) copies of the complete construction documents stamped by engineer;
- c. Three (3) copies of complete design calculations;
- d. Three (3) copies of the preliminary plat application forms

302.1.2 The proposed preliminary plat shall be at a scale that is legible and functional on sheets of 18" x 24" in size. The proposed preliminary plat shall give the following information:

- a. The name of the subdivision, the name and address of the owner, and the name of the professionally qualified engineer, land surveyor, architect, landscape architect, or planner registered to practice in the State of Mississippi.
- b. The names and addresses of owners of all properties abutting the property being subdivided as they appear on the tax records.
- c. The scale, north point and date.
- d. Proposed street names, location, right-of-way widths, pavement widths, approximate grades and vertical curves of proposed streets, alleys, easements, parkways, and other open spaces, reservations, lot lines and dimensions, setback lines, lot numbers and block numbers.
- e. The location of proposed property lines and existing property lines, date of survey, natural watercourses, railroads, sewers, bridges, culverts (indicate size) drain pipes, streets, alleys or other easements on the proposed plat and on adjoining land.
- f. The plat shall have a grid on even five hundred (500) foot intervals of the State plane coordinates (transverse mercator projection) as well as any township, section and range boundaries for the area which the plat encompasses.
- g. A legal description and a boundary survey, with bearings and distances referenced to section or fractional section corners or other base lines shown on the plat and readily reproducible.
- h. Calculations sheets stamped by engineer containing the following data:
 1. The length and radii of all curved street and lot lines and the bearings and the length of all straight street lot lines and the area in square feet of each lot.
 2. Bearings and distances referenced to sectional or fractional section lines or other base lines shown on the plat and readily reproducible on the ground.
 3. Street centerline bearing and distance with centerline curve data (deflection angle, radii, degree of curvature, chord distance and bearing and length of curve).
- i. Street pavements adjacent to the proposed plat, rights-of-way width and location.
- j. The dimensions in feet and decimals of lot area and lot frontage along any public street.

- k. For non-special flood hazard areas, finished floor elevation shall be indicated on the plat. Finished floor elevations of each lot shall be a minimum of one foot above the center line of the new roadway unless approved by the City Engineer or Designated Representative.
- l. Preliminary approval of the proposed water and sewer systems in the subdivision must be given by the appropriate authorities.
- m. Zoning ordinance setbacks and zones must be indicated.
- n. Identification and delineation of all FEMA special flood hazard areas will be based upon the current FEMA FIRM map.
- o. Identification and delineation of wetlands.

302.1.3 Administrator shall review the Preliminary Plat submittal for compliance with the approved Sketch Plat, these regulations, the components of the comprehensive plan, the zoning ordinance, and other plans, programs, conditions and regulations that might affect the area and the design and development of the subdivision.

302.1.4 If the Preliminary Plat meets all requirements, Administrator shall issue approval. If submittal does not meet all requirements or requires a variance, Administrator shall forward to the Commission and shall follow the process listed for Sketch Plat Approval (Article 301).

303 - Procedure for Approval of Final Plat and Replat of an Existing Lot

303.1 The Final Plat shall be submitted to the Administrator prior to the submission deadline as established and published by the City, at which time the Final Plat is to be considered. It shall conform substantially to the Preliminary Plat as approved by the Administrator and City Council. If approval or variance required, and, if desired by the Subdivider, the Final Plat may indicate only that portion of the approved Preliminary Plat which is proposed to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations.

303.1.1 Seven (7) copies on sheets of 18" x 24", one (1) digital copy of as-built (AutoCAD and GIS digital files), one (1) digital copy of final plat and two (2) 24" X 36" copies of the Construction Documents as built, one (1) copy of the Developers' Warranty, and other exhibits required for approval shall be prepared and shall be submitted to the Administrator within twelve (12) months of Preliminary Plat approval, unless an extension is approved by Administrator, or such Preliminary Plat approval shall lapse.

303.1.2 The owner shall have prepared and submitted for approval to the Administrator and City Council the proof of ownership of the land embraced in such subdivision.

303.1.3 Upon approval of the Final Plat by the City Council, an endorsement of such final approval shall be made thereon by the Mayor and attested by the City Clerk indicating approval, together with the date of the Order of the Council authorizing the same, such an endorsement and attestation shall be made upon the Final Plat when it is recorded. After having been signed and acknowledged, the subdivider shall file one copy of the Final Plat with the Clerk of the Chancery Court of Hancock County, and one (1) copy with the Administrator. The subdivider shall also retain one signed and acknowledged copy.

303.1.3.1 Should a building permit not be issued for construction within the subdivision and should construction not have commenced, other than improvements identified in the Construction Documents, within eighteen (18) months

after Final Plat approval, the Final Plat will be subject to review by the Administrator for compliance with these regulations, the components of the comprehensive plan, the zoning ordinance, and other plans, programs, conditions and regulations that might affect the area and the design and development of the subdivision, prior to issuance of a building permit.

303.1.3.2 Should the Final Plat not be in compliance with these regulations, the components of the comprehensive plan, the zoning ordinance, and other plans, programs, conditions and regulations that might affect the area and the design and development of the subdivision, the Final Plat shall be revised to comply with City of Diamondhead requirements and shall be submitted to the Administrator for processing under Article 303.

303.1.4 The City of Diamondhead is hereby prohibited from accepting, improving, grading, paving, or lighting any street except an existing public street, a public street shown on an approved and recorded land subdivision plat, or a street legally established by the Governing Authority.

303.2 Re-Plat Approval

303.2.1 The applicant shall submit to the Commission eight (8) scaled 18"x24" copies of the proposed re-plat of an existing lot, together with the attendant items required for a preliminary plat prior to the submission deadline as established and required by the City at which the re-plat is to be reviewed.

303.2.2 A public hearing before the Commission shall be held for all applications for re-plat of an existing lot at which parties in interest and citizens shall have an opportunity to be fully heard. Applications for re-plat of existing lot meeting requirements of Article 106.2 and shall be reviewed in accordance with the procedure set out in Section 106.2 herein.

303.2.3 Notice of the proposed re-plat application and of the time and place of hearing shall be published in an official paper, or a paper having a general circulation in the City of Diamondhead at least fifteen (15) days prior to the date of the hearing. In addition, the aforementioned hearing notice shall be mailed via first class mail to property owners located within three hundred feet (300') of the proposed re-plat fifteen (15) days prior to the date of the hearing.

303.2.4 After review of the re-plat of an existing lot by the Commission at the public hearing, the findings and recommendations of the Commission shall be forwarded to the City Council for their review, consideration, and approval, if warranted. The review by the Commission and City Council shall take into consideration, in addition to the requirements set forth in these regulations, the components of the comprehensive plan, the zoning ordinance and other plans, programs, regulations and conditions that might affect the area and the design and development of the re-plat of an existing lot.

304 - Construction Documents

304.1 General:

- a. Prior to the construction of any improvements, including any site work involving clearing, grading, filling, dredging, excavating or alike, the developer shall furnish two (2) complete sets of plans and specifications stamped by an engineer for said work to the city and secure a Development Permit from the City Engineer or Designated Representative for the proposed improvements. Failure to secure a Development Permit for proposed improvements shall be punishable in accordance with Section 331 of these regulations.
- b. The plans and specifications shall be prepared in accordance with good engineering practice and City of Diamondhead's design standards. The submittal shall also contain applications for approvals of the State

Board of Health, Mississippi Department of Environmental Quality (MDEQ), Diamondhead Water and Sewer District, and other appropriate agencies.

- c. City staff may undertake a review of the documents concurrently with the other agencies review. Upon approval of the plans and specifications, the City shall issue a Development Permit for construction of improvements.
- d. The City Engineer or Designated Representative shall be notified prior to the beginning of construction, so that the City Engineer or Designated Representative may inspect any work, as deemed appropriate.
- e. Any required wetland permit and accompanying regulatory approvals must be obtained by the Owner/Developer and a copy of the permit shall be furnished to the City Engineer or Designated Representative with the Plan Submittal.
- f. An MDOT permit must be obtained for proposed work within the MDOT right-of-way and a copy of the permit must be furnished to the City Engineer or Designated Representative with the Plan Submittal.
- g. All water meters, sewer service stub outs, and fire hydrants must be placed on the street side of the right-of-way or utility easement line and in line with the lot lines where possible.
- h. Deviation from these standards must be submitted to the City Engineer or Designated Representative prior to Construction Plan Approval. A list of deviations shall be submitted in written format to the City Engineer or Designated Representative.
- i. Any requested change or modification to approved construction documents must be submitted to the City Engineer or Designated Representative ten (10) working days prior to starting construction which involves requested changes or modifications.
- j. Any requested change or modification to approved construction Plans must be approved in writing by the City Engineer or Designated Representative.
- k. For final acceptance, the engineer of record must certify in writing to the City that the construction is in substantial accordance with the approved plans. One (1) set of record drawings (contractor record) must be submitted five (5) days prior to requesting final inspection by the Administrator.
- l. The City Engineer or Designated Representative or his representative shall be notified a minimum of twenty-four (24) hours prior to all tie-ins to City utilities and the City Engineer or Designated Representative must be present during tie-in.
- m. The Owner/Developer shall be responsible for the construction of tie-ins to existing water, sanitary sewer, and storm drain lines or structures. Two (2) consecutive satisfactory bacteriological test results of the water distribution system must be furnished to the City.
- n. The Owner/Developer shall be responsible for any approved road-cuts or borings required to connect new utilities to existing utilities. The Developer shall be responsible for maintaining road-cuts during construction and the warranty period for the entire development.
- o. The Owner/Developer shall be responsible for preparing and maintaining a traffic control plan which conforms to the current Manual on Uniform Traffic Control Devices (MUTCD).

- p. The Administrator shall be notified a minimum of seventy-two (72) hours prior to any approved road closures that are required.

304.2 Plans.

304.2.1 General:

- a. The plans shall be securely bound and shall consist of a title sheet and such plan-profile and detail sheets, as required, to meet the requirements of this ordinance and to properly define the proposed work.
- b. The title sheet shall show the name of the subdivision, engineer, date and index of drawings.
- c. Each plan-profile and detail sheet shall contain this minimum general information, engineer's seal and signature, north arrow, and a title block showing name of the subdivision, scale, date, and sheet number.
- d. The plan-profile will generally be drawn to a horizontal scale of no greater than one (1) inch to fifty (50) feet, and a vertical scale of one (1) inch to five (5) feet. Scales of greater than one (1) inch to fifty (50) feet may be utilized if approved by the City Engineer or Designated Representative.
- e. The size, type, and location of existing and proposed water lines shall be labeled on all applicable plan sheets.
- f. The size of water meters and backflow preventers, where required by utility provider, shall be shown on the plans.
- g. Manhole number, size of sewer lines, and manhole inverts shall be labeled on all applicable plan sheets
- h. The location, size, and slope of all drainage pipes shall be labeled on all applicable plan sheets.
- i. The location, size, and slope of all drainage inlets shall be labeled on all applicable plan sheets.
- j. The size, type, and location of all existing and proposed water lines, fire hydrants, water meters, valves and backflow preventers, if required, shall be shown and labeled on all applicable plan sheets.

304.2.2 Plan-Profile Sheets for Streets and Alleys:

- a. The profile shall show the existing and proposed street centerline grades, bottom profile of the ditches and any drainage pipes, location of utilities, and other information necessary to define the work. Where curb and gutter is provided, the profile shall show the existing and proposed street centerline grades, the existing ground on each side of the street at the property line, the proposed grade of the top of the curb for each side of the street, location of utilities and storm sewers, and other information necessary to define the work.

304.2.3 Plan-Profile Sheets for Sanitary Sewer and Drainage System:

- a. The plans shall show all information necessary to locate and construct the proposed work and shall show the locations of all manholes, inlets, service connections, and other appurtenances of the system.
- b. The design of the new stormwater management system shall be in accordance with the requirements of the City of Diamondhead Stormwater Management Ordinance (Chapter 24) and other requirements set forth in the City's Stormwater Master Plan.

- c. The profile shall show the existing natural ground at the sewer centerline and the proposed grade at the centerline, if such grade will not be the same as the existing grade.
- d. For open ditch drainage, the profile shall show the bottom profile of the proposed ditches; size, grade and material of any proposed pipes and ditch details showing ditch side slopes, bottom width and other necessary information. If a storm sewer is provided, the size, grade, and material of the proposed pipes and the flowlines of all manholes, inlets, etc., shall be shown. Both the flowline and the inside top of the pipes shall be shown in the profile. These plans shall be shown in the profile.
- e. The plans shall be accompanied by the Engineer's calculations showing that the proposed drainage system meets the requirements of 304.2.3.b.

305 - Recording of the Final Plat

305.1 The Final Plat shall be recorded by the developer in the office of the Chancery Clerk of Hancock County, Mississippi. After recording, the developer shall furnish the city with one (1) mylar original, one (1) paper copy at 18" x 24", and two (2) digital copies.

305.1.1 Process of Final Plat:

- a. Whenever the final plat has been submitted, in proper form, to the Administrator, which final plat conforms, in general, to an approved preliminary plat and the provisions of Section 303, the Administrator shall submit same to the City Council prior to the next submission deadline as established and published by the City.
- b. The City Council shall act to approve, disapprove or conditionally approve any final plat submitted in proper form at its next regularly scheduled meeting.
- c. The basis for disapproval of the final plat shall include:
 1. Failure to install improvements according to detailed plans and specifications, as previously approved by the City Engineer or Designated Representative.
 2. Failure to comply with any written agreement or conditions of approval.
 3. Failure to post satisfactory guarantee of improvements, as described in Section 500.
- d. If the final plat is disapproved, the applicant shall be so notified, in writing, and the reasons therefore shall be enumerated.

306 - Information on Final Plat

306.1 The final plat shall include all information required on the preliminary plat, plus it shall show or include the following:

306.1.1 Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line and building setback line whether curved or straight.

306.1.2 The names and lines of all proposed streets, alley lines, lot lines and building setback lines, lots numbered in numerical order, reservations, easements, and areas to be dedicated to public use with notes stating their purpose and any limitations.

306.1.3 Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way and property lines.

306.1.4 All dimensions shall be shown to the nearest one-hundredth (1/100) of a foot and all angles shown to the nearest second.

306.1.5 Accurate location, material and description of monuments and markers.

- a. A complete description of all benchmarks including location, type of mark, elevation, and state plane coordinates.

306.1.6 The final plat shall contain the following certificates and/or dedications, when appropriate:

- a. A certificate showing that applicant is the landowner and certification that all prior easement rights to any person, utility or corporation have been absolved on the parcels to be dedicated to public use. The person, utility or corporation shall retain whatever rights they would have as if located in a public street. Recording data for all prior easements shall be included. Those prior easements shall be included and not subordinated.
- b. The certificate of accuracy by the developer's engineer, registered to practice in the State of Mississippi, including a statement of closure error..
- c. A certificate of dedication of all public streets, highways, water, sanitary sewer, stormwater sewer, any other public utilities, and other rights-of-way, easements, or parcels for public parks or other public use to the City of Diamondhead, Mississippi or other public corporation, such as the Diamondhead Water & Sewer District, executed by the owners and all other parties who have a mortgage or lien interest in the property.
- d. If the proposed subdivision is to be maintained as a private community, the final plat shall bear language granting the City of Diamondhead a perpetual easement into the community for the purpose of delivering, administering public services or utilities and/or maintenance.
- e. A certificate by a registered land surveyor of the State of Mississippi to the effect that the plat represents an accurate survey made in accordance with the "Standard of Practice for Surveying in the State of Mississippi, latest edition."
- f. Certificates of approval by the City Council and Administrator and a certificate of recording by the Chancery Clerk of Hancock County, Mississippi.
- g. The final plat shall include a notation pursuant to Section 311.14.1 concerning the replacement of items and appurtenances within easements.
- h. Statement of Acceptance by Diamondhead Water & Sewer District, signed by the General Manager.

306.1.8 After satisfactorily passing the final engineering inspection, the developer shall provide "As Built" drawings to the City at least fourteen (14) working days prior to the council agenda deadline for the next meeting of the Mayor and the City Council at which final plat will be considered.

- a. Two full size (24" x 36") paper copies.

- b. The developer shall provide two (2) digital copies of the “As Built” drawings to the City Engineer or Designated Representative, as follows:
 - 1. One (1) copy shall be in a digital file format as specified by the City Engineer or Designated Representative; and,
 - 2. One (1) copy shall be in a digital image form, Portable Document File (PDF)
- c. The Owner/Developer shall provide GIS location data for all manholes, inlets, valves, hydrants, meters, lift stations, and junction boxes as part of the As-Built submittal. Said GIS data shall be provided in a coordinate system specified by the City Engineer or Designated Representative.

306.1.9 Upon approval of the Final Plat by the City Council, copies of the plat shall be submitted to the Administrator’s office as follows:

- a. The developer shall provide ten (10) 18” x 24” copies of the Final Plat to the City, one (1) of which is to be mylar diazo films and two (2) of which are to be digital copies, and all of which are to be exact duplicates of the original no smaller than 24” x 36”.
- b. Once the final plats show written approval of the City Council, all copies will be returned to the developer for recording.
- c. Once all copies have been recorded by the developer with Hancock County and one (1) paper copy of the plat filed with the Chancery Clerk, the developer shall ensure the following:
 - 1. One (1) mylar (diaz film) copy of the plat shall be filed with the Administrator;
 - 2. One (1) paper copy of the plat shall be filed with the City Clerk.
- d. The developer shall provide two (2) digital copies of the recorded “Final Plat” drawings to the City in the following form:
 - 1. One (1) copy shall be in a digital file format as specified by the Administrator; and
 - 2. One (1) copy shall be in a digital image form, Portable Document File (PDF)

306.1.10 If the final plat is not approved by the City Council, the grounds for disapproval shall be stated in the minutes.

306.1.11 Upon approval of the final plat by the City Council, the plat shall be submitted for recording within 60 days; otherwise final plat approval will be null and void.

307 - Required Improvements and Standards

307.1 General

307.1.1 The improvements required under this section shall be designed and constructed under the observation and in accordance with specifications set forth by the City of Diamondhead, Mississippi.

307.1.2 The complete design calculations will be provided by the developer's engineer for all required improvements and will be reasonably subject to the specifications set forth by the City as well as the City Engineer or Designated Representative's review of the subdivision plans and calculations. The design will be based on generally accepted engineering practices for the particular site in which they are to be installed.

307.1.3 General standards for improvements shall be as follows:

- a. All sewer lines, storm drains, water lines and conduits for private utility crossings, any other underground structures within street right-of-way must be installed before streets or alleys are paved.
- b. Water, sewer and all other utility connections shall be provided for each lot to a distance of two (2) feet beyond the curb line or to the edge of the right-of-way or utility easement, whichever is greater.
- c. Water, sanitary sewer systems, drainage systems and other utilities will be kept from being under paved areas excepting instances of impracticability or impossibility.
- d. Private utilities, such as electricity, telephone, gas, cable television, etc., may be located in utility easements separate from rights-of-way and easements used for the water, sanitary, and stormwater sewer systems, if additional area is required for installation of private utility.
- e. Materials and equipment provided as a part of these subdivision regulations must be approved by the city prior to installation. The material and equipment must also match the manufacturer make and model of similar installations throughout the City as deemed necessary by the City.
- f. All utility pipes (stormwater sewer, sanitary sewers, water and private utility conduits and mains) must be of sufficient size to provide for expansions and extensions in the future, unless other provisions can be made to accommodate expansions and extensions without major disruptions to the streets and utilities.
- g. All storm drainage, water, and sanitary sewer infrastructure shall not be laid parallel with or under any street or roadway unless recommendation is made by the City Engineer or Designated Representative that such infrastructure be located underneath the roadway.

307.1.4 All subdivisions developed in phases or which have future subdivisions extending from them, must submit a plan, subject to approval of the City, indicating how required improvements will accommodate future phases and subsequent subdivisions in keeping with all requirements and standards of these regulations.

308 – Streets and Alleys

Street improvements shall be provided in each proposed subdivision as prescribed below:

308.1 The location, grade, width and character of all streets shall be correlated with existing planned streets and topographical conditions for public safety and convenience and in relation to the proposed use of the land to be served by such streets.

308.2 In cases where the subdivision plat embraces or abuts any part of a major street, arterial street, highway or parkway, the following will apply:

308.2.1 Residentially zoned subdivisions will be required to accomplish one of the following:

- a. Include minor streets in additional right-of way parallel to and along the side of the major street or highway which functions as a service drive for any lots facing toward the major street.
- b. Have all lots along the major street or highway as double frontage lots with no direct access to the major street. Double frontage lots are prohibited on minor streets.

308.2.2 Commercially or industrially zoned subdivisions: shall be required to accomplish one of the following:

- a. Include minor streets in additional right-of-way parallel to and along the side of the major street or highway which would function as a service drive for any lots adjacent to the major street or highway unless a service drive already exists or is permitted by MDOT or the City.
- b. Have a limited number of access points onto the major street or highway with the specific access location and widths approved by the Planning Commission at the time of the sketch plat approval. Mississippi Department of Transportation must approve access points and widths along highways prior to the developer's request for preliminary plat approval.

308.3 Proposed streets shall be designed to conform to the contour of the land so as to produce the required street grade and lots of usable character, but shall not exceed grades listed in Article 308.9, unless a variance from these grades are granted by the City Engineer or Designated Representative due to site conditions.

308.4 Minor streets shall be laid out so that their use by through traffic will be discouraged.

308.5 No new half-streets or half-alleys will be accepted.

308.6 Streets designed to have one end permanently closed (Cul-de-Sac) shall provide, at the closed end, a turnaround with a minimum right-of-way of one hundred six (106) feet (diameter) and a minimum driving surface radius of forty-two (42) feet. No street terminating with a cul-de-sac shall exceed six hundred (600) feet in length unless a variance is granted pursuant to Section 321. No dead-end streets will be allowed.

308.7 No street names shall be used which will duplicate or be confused with the names of existing streets in the city. Proposed streets in alignment with existing streets shall bear the names of existing streets.

308.8 Alleys shall be dedicated along the rear of all lots to be used for business and industry unless, in the opinion of the Commission, such alleys are unnecessary. Alleys are not required in residential areas except where, in the opinion of the Commission, such alleys are necessary. Alleys may be required in order to achieve the desired urban pattern set forth in the Comprehensive Plan for Diamondhead.

308.9 Street grades shall not be less than five-tenths (0.5) percent grade, Street grades shall not exceed the following:

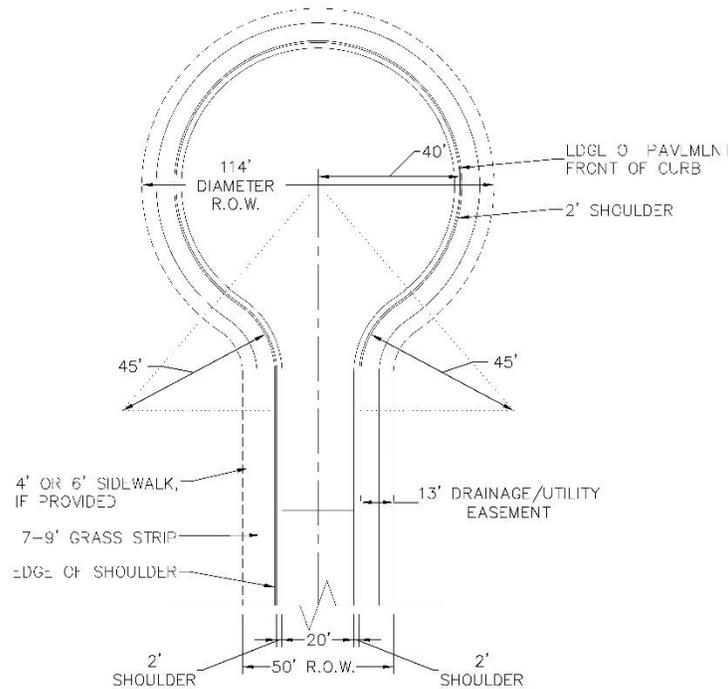
308.9.1 Arterial streets and commercial and industrial streets not greater than four (4) percent.

308.9.2 Collector streets not greater than five (5) percent.

308.9.3 Minor streets and alleys not greater than eight (8) percent.

308.10 Reserve strips which control the access to other streets or abutting property shall be prohibited except where their control is deliberately placed by the Commission.

Figure 3.1 – Typical Cul-de-Sac Configuration for Minor Streets



308.11 All streets shall have a minimum vertical clearance of fourteen (14) feet. Where curb and gutter are provided, there shall also be a minimum of eighteen (18) inch clearance from the back of the curb to any obstructions along the shoulder of the street.

308.12 Street widths shall be as shown on the major thoroughfare plan and where not shown thereon shall be no less than the following:

Table 3.1 – Right-of-Way and Pavement Width Requirements

<u>Street Classification</u>	<u>Right of way Width</u>	<u>Pavement Width</u>
Arterial streets	120 feet	63 feet
Collector streets	80 feet	45 feet
Minor streets	50 feet	20 feet
Dead-end streets (cul-de-sac)	50 feet	20 feet ¹
Alleys serving business lots	20 feet	17 feet
Alleys serving residential lots	20 feet	15 feet

1. Except at turn-around

308.12.1 Should the developer elect to construct a street with medians, the following requirements shall be met:

- a. The median shall be designed to have a width not less than the width of one (1) lane of travel. Recognizing the inclusion of a median necessitates an alternative cross-sectional design from that achieved by applying the provisions of Table 3.1, the cross-sectional design of a street with a median shall be subject to the approval of the City Engineer or Designated Representative.

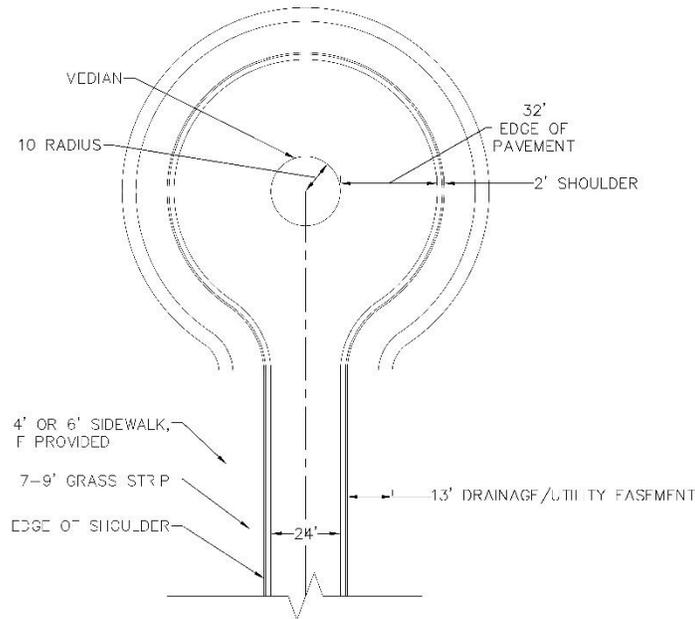
- b. On cul-de-sac turnarounds with medians, there must be a minimum pavement width of thirty (30) feet between the median and the outside edge of the street, not including shoulder.

308.13 Street intersections shall be as nearly at right angles as practicable.

308.13.1 Acute angles at street intersections will not be accepted and in no case will an angle of less than sixty (60) degrees be permitted.

308.13.2 Street center line offsets shall be no less than one hundred and twenty-five (125) feet unless, unless in the opinion of the Commission, a lesser offset is acceptable.

Figure 3.2 – Typical Cul-de-Sac Configuration with a Median



308.14 The minimum radii of curvature on the center line shall be as follows:

308.14.1 Arterial streets four hundred (400) feet.

308.14.2 Collector streets, two hundred (200) feet.

308.14.3 Minor streets, one hundred (100) feet.

308.15 Between reversed curves there shall always be a tangent of at least one hundred (100) feet long on arterial and collector streets and fifty (50) feet long on minor streets.

308.16 Street corners for intersections of residential minor and cul-de-sac streets shall be rounded by a simple curve radius of not less than twenty-five (25) feet.

308.16.1 Minimum radii must be increased, subject to approval by the City, when the smallest angle of the intersection is less than ninety (90) degrees or at intersections involving any streets with volumes or level of service greater than residential minor and cul-de-sac streets.

308.16.2 Site distances at intersections will be in accordance with the current American Association of Highway and Transportation Officials (AASHTO) Standards.

308.17 Streets shall be graded by the developer to an approximate width in the center of the right-of-way to provide for a minimum of the required pavement width, including curbs and gutters, if provided, and any necessary drainage structures, plus the additional width for sidewalks, if provided, or other improvements as may be required.

308.17.1 No French Drains are permitted within City right-of-way without prior approval by the City Engineer or Designated Representative.

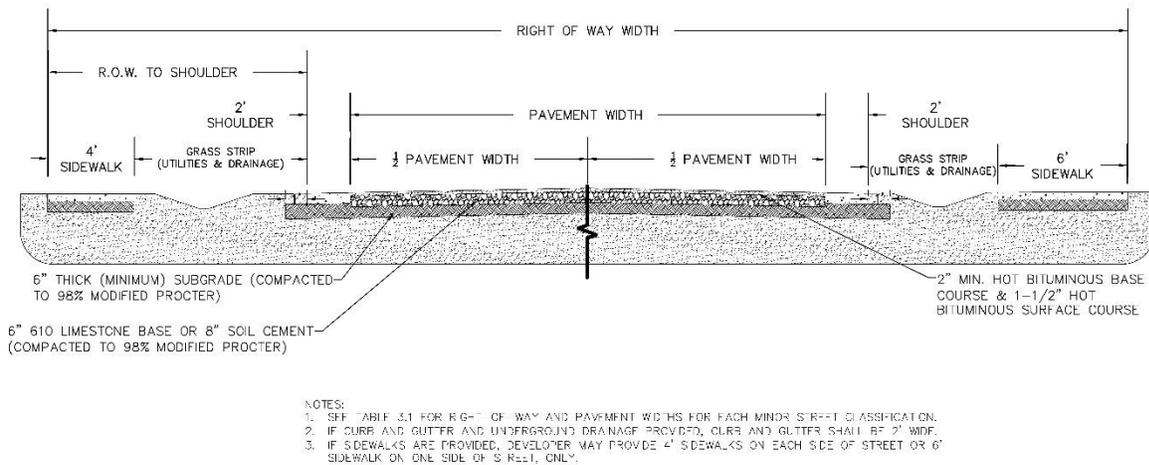
308.18 For Arterial and Collector streets, a suitable hard surface permanent type of pavement shall be designed by the Developer's engineer in accordance with current guidelines as set forth by the Asphalt Institute, Mississippi Asphalt and Pavement Association, and/or American Association of Highway and Transportation Officials (AASHTO) Mississippi Standard Specifications for Road and Bridge Construction, latest editions; as applicable. The design shall be based on a traffic analysis period of at least thirty (30) years. The process for designing the pavement shall generally be as follows:

- b. Following sketch plat approval, the developer's design engineer shall classify the soils as either poor or excellent, based upon a geotechnical report. The geotechnical report shall be created through the utilization of a fully functioning geotechnical laboratory which routinely performs geotechnical investigations and shall examine the sub grade soils and determine the existing soil conditions, including the type of material, groundwater depth, and strength of material.
- c. Soil borings will be required at a minimum interval of every 500' along the proposed road with excellent soil conditions and a minimum interval of every 250' along the proposed road with poor soil conditions. Soil borings will be taken at minimum depths of eight (8) feet below ground and will also be required to be taken at anticipated high traffic locations and at all low areas along the proposed road. All boring locations shall be approved by the City Engineer or Designated Representative.
- d. The developer's design engineer shall submit the pavement design based on his/her determination of the soils type classification, poor or excellent, along with a copy of the geotechnical testing report to the City Engineer or Designated Representative.
- d. The City Engineer or Designated Representative shall concur with the design engineer's pavement design or shall otherwise recommend an alternate for roadway pavement design.

308.18.1 Prior to the proposed subdivision receiving preliminary plat approval, the pavement design for minor streets and alleys shall consist of the following Flexible Pavement Design consisting at a minimum of:

- a. A properly compacted minimum six (6) inch thick subgrade (minimum 98% Modified Proctor).
- b. A minimum 98% Modified Proctor 6'10' gradation limestone base six (6) inches thick or soil cement base eight (8) inches thick.
- c. Minimum surface course asphalt pavement of a two (2) inch base course and a one and one-half (1-1/2) inch surface course. Materials for this work shall conform to material requirements for Section 400 and Section 700, Mississippi Standard Specifications for Road and Bridge Construction, latest edition.
- d. The sub grade and base shall be prepared and compacted to a minimum of one (1) foot beyond the shoulder or the back of curb and gutter, if provided.

Figure 3.3 - Minor Street Section with Ditches



308.19 All pavement construction will be in accordance with the current Mississippi Standard Specifications for Road and Bridge Construction. Portland Cement Concrete pavement will not be permitted in any subdivision unless specifically approved by the Administrator. Concrete pavement may be proposed for Arterial and Collector streets based on traffic load, soil conditions and service life. For concrete pavements, as well as curbs and gutters, a detailed joint plan will be provided in the construction plans, prior to preliminary plat approval, showing all joints to be in the pavement, curbs and gutters as it is to be laid out on the developmental site.

308.20 A sieve analysis of any base materials will be conducted before any base is delivered to the subdivision site. Certified copies of the sieve analysis shall be provided to the City.

308.21 Where curb and gutter is provided, the curb and gutter shall be constructed of 3,000 pounds per square inch Portland Cement concrete and the curbs shall be poured integrally with the gutters, unless otherwise approved by the City Engineer or Designated Representative.

308.22 Where sidewalks and curb and gutter are provided, curb cut ramps must be provided at all street intersections as well as possible future crosswalk areas to accommodate physically handicapped persons. The ramp width shall be four (4) foot as a minimum, exclusive of the side slopes. All sidewalks, ramps and public access ways must meet the latest standards and regulations of the American with Disabilities Act.

308.23 Density tests shall be performed on the compacted subgrade and compacted base courses by dividing the each course area into three hundred and fifty (350) square yards or fraction thereof, but not less than one (1) for each day laying of pavement. Additionally, all trench crossings will require density tests of the subgrade and base courses at a minimum of three (3) density tests per trench crossing or every fifty feet (50'), whichever is less.

308.23.1 Compaction tests shall be performed in, the presence of the City Engineer or a Designated Representative thereof. The Owner/Developer must notify the City a minimum of twenty-four (24) hours prior to the test.

308.23.2 Where trenches run parallel to the roadway and under the pavement, the trench shall be divided into three hundred (300) foot segments and there shall be performed at least one set of density tests for each 300-foot segment. Trenches of this nature are discouraged by the City of Diamondhead.

308.23.3 All base material shall be proof rolled prior to placing the pavement shown in the developer's approved plans and specifications. The proof roll may occur using a loaded dump truck or a similar heavy truck. The City Engineer or

Designated representative thereof shall be present to witness and verify that the street base is stable and that there is no visible movement. Should the base experience "pumping" and loss of bearing due to accumulated water beneath the sub grade or due to other reasons, the developer's contractor shall remove the affected soil to a sufficient depth and replace with a dry fill material or allow the excess moisture to dissipate sufficiently to achieve the specified compaction without moving or "pumping". Compaction tests to the specified density shall not relieve the developer from proof rolling the base and repairing any areas which "pump", as determined by the City Engineer or Designated Representative.

308.24 The location of all water and sewer service lines will be permanently marked in the concrete curb, if the curb is provided.

308.25 The centerline of the street pavement will also be the centerline of the right-of-way, unless otherwise permanently and clearly marked.

309 - Water Distribution System

309.1 All water systems shall be designed, constructed, inspected and tested in accordance with the regulations, standards, and specifications of the Diamondhead Water and Sewer District or any other public water utility available at the time of development, except for more stringent requirements set forth by the appropriate Mississippi State authorities.

309.2 The developer shall connect the proposed subdivision to the Diamondhead Water and Sewer District infrastructure, or any other public water utility existing and available at the time of development. The developer will be responsible for any improvements required so that the existing water system can accommodate the increased demand placed upon it due to the new subdivision.

309.3 Water service lines shall not be located underneath the driveway access of a lot.

309.4 Prior to service being connected to a public water system, all wells or water sources owned or used previously by the potential customer shall be physically disconnected from the plumbing to be supplied by the City's water system. Potential customer shall present certification that the well(s) or water source(s) has been physically disconnected.

309.5 The Owner/Developer shall provide a letter of design approval from the Mississippi Department of Health to the Administrator.

309.6 Prior to receiving a Development Permit for the construction of any water system improvements, including any site work involving clearing, grading, filling, dredging, excavating, or alike, the Owner/Developer shall provide a letter of design approval from the Diamondhead Water and Sewer District or any other public water utility existing and available at the time of development.

309.7 Prior to Final Plat approval, the Owner/Developer shall provide to the Administrator a letter of acceptance of the water system facilities from the Diamondhead Water and Sewer District or any other public water utility existing and available at the time of development.

310 - Sanitary Sewer Collection Systems

310.1 All sewer systems shall be designed, constructed, inspected, and tested in accordance with the regulations, standards, and specifications of the Diamondhead Water and Sewer District or any other public utility existing and

available at the time of development, except for more stringent requirements set forth by the appropriate Mississippi State Authorities.

310.2 The subdivider shall connect to the Diamondhead Water and Sewer District sanitary sewer system or any other public controlled sewage system that may be available. The developer will be responsible for any improvements required so that the existing sanitary sewer system can accommodate the increased demand placed upon it due to the development of the new subdivision.

310.3 Sanitary sewer service lines shall not be located underneath the driveway access of a lot.

310.4 The Owner/Developer shall provide a letter of design approval from the Mississippi Department of Environmental Quality.

310.5 Prior to receiving a Development Permit for the construction of any sewer system improvements, including any site work involving clearing, grading, filling, dredging, excavating, or alike, the Owner/Developer shall provide a letter of design approval from the Diamondhead Water and Sewer District or any other public utility existing and available at the time of development.

310.6 Prior to Final Plat approval, the Owner/Developer shall provide to the Administrator a letter of acceptance of the sewer system facilities from the Diamondhead Water and Sewer District or any other public utility existing and available at the time of development.

311 - Stormwater Management System

311.1 A stormwater management system, including ditches, drainage culverts, inlets, catch basins, junction boxes and all other necessary components shall be installed by the developer throughout the proposed subdivision in accordance with the City's Stormwater Master Plan and Stormwater Management Ordinance

311.1.1 The entire storm drainage system should be designed in accordance with the Stormwater Management Ordinance and City's Stormwater Master Plan.

311.1.2 Erosion, sediment, and stormwater controls consistent with guidance from the Mississippi Department of Environmental Quality shall be incorporated into the design.

311.1.3 Maintenance of swales shall not be the responsibility of the City of Diamondhead but shall be maintained by the property owner.

311.2 No property proposed to be subdivided within the City of Diamondhead will be allowed to be filled, graded, cleared or contoured, nor shall any other action be taken thereon whereby the surface drainage from said property will be created, increased, redirected, re-routed, funneled, dispersed, or otherwise affected unless and until all requirements and provisions of the Stormwater Management Ordinance and these regulations are met with full compliance.

311.3 Prior to any work being done, preliminary plat approval shall first be obtained from the Administrator.

311.3.1 A Storm Water Pollution Prevention Plan (SWPPP) meeting the requirements of the Mississippi Department of Environmental Quality (MDEQ) shall be included with the plans.

- a. A copy of MDEQ approval shall be submitted if the parcel is over five acres.

- b. A copy of the drainage calculations in accordance with the Stormwater Management Ordinance.

311.4 Should the development impact the City's stormwater drainage system in a manner which requires improvement to the City's stormwater drainage system, all costs associated with such improvements shall be borne by the developer.

311.4.1 The developer may choose to incorporate Low-Impact Development (LID) techniques into subdivision design to reduce stormwater runoff and reduce subdivision's impact on existing stormwater drainage system.

311.5 The impact of development on the off-site upstream and-downstream drainage will be included in the drainage calculations prior to preliminary plat approval.

311.6 The grading and drainage plan will show the existing and general proposed finished grading of each lot, as well as proposed finished floor elevation for each lot. Erosion, sediment, and stormwater controls consistent with guidance from the Mississippi Department of Environmental Quality (MDEQ) shall be incorporated into the design.

311.7 Storm drainage improvements will consist of adequate ditches, culverts, pipes, catch basins, and curb inlets. Corrugated metal pipe will not be acceptable. Reinforced concrete or other material approved by the City Engineer or Designated Representative shall be the only approved materials used for stormwater drainage under city streets. Only existing natural drains that already run through the development may be reutilized in the overall subdivision drainage plan unless a variance is granted by the City Council after review and findings by the Commission. However, swales as defined in Section 317.1.1, may be used to a limited extent.

311.8 Drainage of storm water will not be allowed to cross the centerline of any street as it flows over the street pavement surface. Gutter flow lines must drain into a curb inlet or catch basin and the use of flumes through the back of curbs will not be allowed. Alleys may be utilized for the conveyance of storm water provided the anticipated volume of flow and depth of flow is indicated on the drainage plan and approved by the City.

311.9 Catch basins and curb inlets will be spaced at an approximate distance to ensure that water in the gutter will not be more than eight (8) feet into the street measured from the back of the gutter. Curb inlets shall not have more than a four (4) inch vertical opening and shall not cause a hazard to pedestrians. Junction boxes, curb inlets, and catch basin sizes and openings shall be designed to be of sufficient capacity to handle the amount of stormwater drainage into it and shall in no way cause a restriction to the amount of drainage going through the inlet or outlet pipes at that respective location.

311.10 The outlet ends of culverts will terminate with a flared end section or headwall with a slope to the top of the bank above the outlet of a minimum of three (3) feet horizontally to one (1) foot vertically. The outlet ends of culverts will also have permanent erosion control and dissipaters as well as provisions to prevent sedimentation of downstream drainageways during subdivision construction and development on each lot.

311.10.1 Stream or ditch banks opposite of an outfall structure shall be armored with riprap or an approved equivalent material to prevent erosion.

311.11 The stormwater system design and plans shall include the following:

311.11.1 The proposed finish invert elevations will be shown at the inlets, outlets, and at any changes in slopes.

311.11.2 Catch basin or curb inlet flow line elevations will be shown.

311.11.3 Calculations meeting the requirements of the Stormwater Management Ordinance will be provided for the amount of rainwater runoff and required sizes, slopes, and actual capacity for all culverts and ditches to handle this runoff.

311.11.4 Any storm drain system installed under areas of pavement such as but not limited to roads, alleys, driveways, and parking areas shall be reinforced concrete pipe (RCP). Storm drains installed parallel to streets may be Advanced Drainage Systems (ADS), High Density Polyethylene (HDPE), or other material as approved as by the City Engineer or Designated Representative.

311.11.5 Existing and proposed ditch cross sections.

311.11.6 All drainage structures (inlets, headwalls, and manholes) shall be numbered on the plans.

311.11.7 All ditches shall be designed to limit erosion of the city's drainage system.

311.12 Subdivision drainage shall be designed in manner where the site drains to existing storm drain structures. Should additional drainage structures be required, the proposed drainage shall be placed underground in pipes if at all possible and placed in a permanent drainage easement.

311.12.1 Drainage easements shall be kept clear of all items which could adversely affect the drainage. If items such as fences, landscaping material, and other appurtenances installed by the property owner in the easement must be removed by the city to service the drainage system, the cost of removal and/or replacement shall be the responsibility of the property owner.

311.13 Prior to beginning construction, the Owner/Developer shall compile a video library of the upstream and downstream sections of each storm drain tap. The existing drainage pipe shall be videotaped from the point of new connections to the nearest inlet in either direction but shall not exceed three hundred feet (300'). When completed the video tape files shall be submitted the Administrator.

312 - Private Utility Systems

The following plans and information must be submitted to the City Engineer or Designated Representative prior to preliminary plat approval and should include:

312.1 All private utility crossings under the city rights-of-way or easements where the Developer is to dedicate improvements to the city will be shown. Utility lines crossing rights-of-way or easements will be laid in conduits at these crossings. The conduits will be placed in these crossing locations prior to construction of the street, water line, sewer line, or storm drainage system. All private utilities will be placed underground, except for junction boxes, pedestals, etc. that may be required to be above ground.

312.2 Critical private utilities must be installed throughout the subdivision with fully functional services to every lot prior to the scheduling of final engineering inspection.

312.3 All water and sewer utilities shall be installed to the specifications and approval of the Diamondhead Water and Sewer district (DHWSD).

312.4 All roads shall be constructed pursuant to the specifications outlined in these regulations.

313 - Easements

313.1 Utility easements are required for all lots for utilities which are not located in rights-of-way. Property owners will be responsible for the maintenance and upkeep of these easement areas.

313.2 Where a subdivision is traversed by a drainage ditch, watercourse, natural channel, or stream, there shall be provided an easement to the city conforming to the limits of such watercourse plus additional width as necessary to accommodate future construction and maintenance as recommended by the City. This additional width shall be no less than ten (10) feet measured from the top of each ditch bank.

313.3 No dedicated easement shall be less than 15 feet.

313.4 No new half easement will be accepted.

314 - Accessibility

314.1 A minimum of two (2) entrances shall be provided for a subdivision with more than thirty (30) lots, unless a variance is approved by Commission and City Council on sketch plat.

315 - Lots

315.1 Lot sizes, shapes, and locations shall be made with due regard to topographic conditions, contemplated use and the surrounding area.

315.2 Lots shall not be platted in any area known to be subject to inundation, or in areas which, for other reasons, such as topography, are unsuitable for residential occupancy, nor for such other uses as may increase danger to health, life or property or flood hazard. On land subject to inundation, such area shall be clearly indicated on the plat.

315.3 Lot dimensions shall conform to the requirements of the zoning ordinance or any other land use regulation as may be enforced by the City of Diamondhead.

315.4 Every lot shall abut a dedicated street for at least the minimum width of a lot at the building line, as set forth in the Diamondhead Zoning Ordinance. Variances may be granted to this street frontage upon approval by the Commission and City Council in the case of cul-de-sacs and curves in streets. However, every lot must abut a dedicated street for distance of at least thirty (35) feet.

315.5 Double frontage lots between parallel streets will not be allowed except in the case of one frontage being along an existing street or in compliance with Section 308.2. Where double frontage lots are permitted, access to those lots shall be permitted from one street only.

315.6 Corner lots shall be sufficiently larger than interior lots so as to allow houses to conform to front yard building set back lines on both streets.

315.7 Side lot lines shall be at right angles to the street line wherever practical.

315.8 Lots in commercial or industrial areas shall be of sufficient size to permit off-street parking for patrons plus loading and unloading areas necessary for the operation of the business. In no case shall the number of off-street parking spaces or the loading area requirements be less than the minimum requirements of the Zoning Ordinance.

316 - Sidewalks

316.1 Sidewalks are not required in all residential subdivisions but are required at all new commercial and industrial subdivisions. Where provided, sidewalks shall be constructed in the street right-of-way in every case practicable.

316.2 If provided, sidewalks shall be constructed inside of and adjacent to the right-of-way limit (See Figure 3.3); however, placement may vary under conditions requiring a variance when such is deemed necessary by the city's Administrator.

316.3 In residential districts, if provided, sidewalks shall be a minimum of four (4) feet wide and four (4) inches of thickness of 2500 psi mix concrete, if sidewalks are provided on each side of street. If sidewalks are provided along only one side of a street, the sidewalks shall be six (6) feet wide and four (4) inches of thickness of 2500 psi mix concrete.

316.4 In commercial or industrial zoned areas sidewalks shall be a minimum of six (6) feet wide and four (4) inches of thickness of 3000 psi mix concrete, and in said districts, the sidewalks may abut the street curb or the edge of the pavement.

316.5 All sidewalks will be required to have reinforcement in those sections or portions used for driveways.

316.6 All sidewalks must have expansion joints placed at 25-foot intervals and at driveways, curbs, or any other major abutting structures, and will have transverse contraction joints one (1) inch deep every four (4) feet longitudinally along the ramps and transition areas with flared sides as required by current Federal and State standards. The maximum transverse slope for sidewalks will be one (1) inch vertically across the four (4) feet width and the maximum longitudinal slope will be one (1) inch vertically to one (1) foot horizontally.

316.7 All sidewalks must be completed prior to any building or house receiving a Certificate of Occupancy; provided, however, in the event a sidewalk cannot be constructed for good cause shown, a final plat may be obtained by the posting of a cash bond with the City of Diamondhead in the amount equal to twice the sidewalk cost of installation, as estimated in writing by the City.

- a. After posting the required bond, the developer shall have two (2) years to construct the sidewalk.
- b. Prior to beginning construction of the sidewalk, the developer shall notify the Administrator and obtain all necessary permits.
- c. The City Engineer or Designated Representative shall inspect the sidewalk prior to pouring concrete and again after the final pour.
- d. Upon passing of the City Engineer's inspection of the sidewalk, the City shall release the bond to the developer.
- e. In the event the developer fails to construct the sidewalk within the five (5) year period, the City shall build the sidewalk and draw upon the bond for the construction cost. The remainder of the bond shall be refunded to the developer.

316.8 Two (2) years from approval of the final subdivision plat by the City Council, the owners of any lot, or lots, for which sidewalks have not been installed, if sidewalks have been provided in the subdivision, shall be required to do so, at their own expense. In the event sidewalks are not installed, as herein prescribed, the City Council shall be

authorized to cause to have installed said sidewalks, the cost of which shall become a special assessment against the affected property and, further provided, that subsequent to the expiration of the aforementioned 2-year period, that no building or certificates of occupancy may be issued for any lot for which a sidewalk has not been installed, as herein provided, until such time as the aforementioned special assessment for sidewalks is paid in full. If any sidewalk is damaged during any construction or other work on a lot, then the property owner(s) of that lot is responsible for the repairs to the sidewalk to the satisfaction of the City Engineer or Designated Representative. These repairs must be made within forty-five (45) days of when the damages occur. In the event that the sidewalk is not repaired as herein prescribed, the City Council shall be authorized to cause to have the said sidewalk repaired, the cost of which shall become a special assessment against the affected property and, further provided, that no certificate of occupancy will be issued on the building or house until such time as the aforementioned sidewalk is repaired by the property owner, at his own expense, or the special assessment is paid in full.

316.9 In the event that it can be shown that the sidewalks required herein would be impractical to install or would serve no useful purpose, the requirements of this section may be waived in part or in entirety by the City Council.

316.10 ADA compliant ramps for handicap access shall be provided on all sidewalks.

317 - Erosion control

317.1 Design of all required improvements must include considerations for preservation of natural ground cover and desirable growth of shrubs and trees within the right-of-way and easements.

317.1.1 Seeding, mulching, and sodding of slopes, swales, and other erodible areas must be included in the design plans as well as prevention of sedimentation in stormwater management systems and natural drainage areas during the development and construction on each lot of the subdivision.

317.1.2 Other erosion-prevention measures may be necessary depending upon climatic conditions, natural environment, and site conditions.

317.2 No slopes of soil materials shall be steeper than three horizontal to one vertical (3:1) or the maximum required for soil stability, whichever results in a more gradual slope.

318 - Lighting

318.1 Lighting shall be provided by Coast Electric in accordance with City of Diamondhead requirements.

318.2 Lighting for safety shall be provided at intersections, along walkways, between buildings, and in parking areas.

318.3 The height and shielding of lighting standards shall provide proper lighting without hazards to drivers or nuisance to residents and the design of lighting standards shall be of a type appropriate to the development and the municipality.

319 - Underground wiring

319.1 All electric, telephone, television, and other communication lines, both main and service connections, servicing new developments, shall be provided by underground wiring with easements or dedicated rights-of-way, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services.

319.2 Lots that abut existing easements or rights-of-way where overhead electric or telephone distribution supply lines and service connections have previously been installed may be supplied with electric service from the overhead, lines, but the service connections from the utilities overhead lines shall be installed underground. In the case of the existing overhead utilities, should a road widening, or the extension of service, or other connection occur as a result of the subdivision and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground.

320 - Monuments

320.1 Lot and block corners shall be marked with iron pipes or rods at least one-half (1/2) inch in diameter and twenty-four (24) inches long.

320.2 The outer boundary corners of the subdivision and intermediate points as required by the City shall be marked with either concrete blocks six (6) inches square and thirty (30) inches long, or with iron pipes two (2) inches in diameter and four (4) feet long; markers shall be provided with center points.

320.3 Developer will provide permanent concrete monument benchmarks with elevation in accordance with Hancock County datum and/or U.S. Geographical Survey datum and state plane coordinates (transverse mercator projections):

320.3.1 Minimum of one (1) per every 1,500 feet of pavement for developments containing more than four (4) lots.

320.3.2 Exact benchmark location and Information to be shown on all plats and construction plans.

320.3.3 The concrete monument benchmark shall be six (6) inches by six (6) inches (6 x 6) square and four (4) feet long with an iron rod encased in it and a flat-head survey marker cast in the top of the benchmark as a central point. The non-corrosive marker must have at least a two (2) inch shank and a head diameter of two (2) inches or more.

321 - Variances

321.1 The City Council shall have the power to vary these regulations when it can be shown by the subdivider that extraordinary hardships unique to the site (not economic hardship) are brought about by strict compliance with these regulations and that a variance is required so that substantial justice may be done and the public interest secured provided.

321.2 Any variance approved by the City Council must be entered into the minutes of the City Council along with the reasons and justifications set forth.

321.3 Prior to consideration of such variance, the Commission shall conduct a public hearing thereon and shall forward to the City Council its written recommendations.

321.4 Application for a variance shall be filed with the Administrator. The application shall be made on a form prescribed by the Administrator and shall include the following:

- a. Name and address of the owner or applicant.
- b. A legal description of the property, which shall include, but not limited to deed of current ownership (not a Deed of Trust.), Hancock County tax parcel number identification, and street address.

- c. If the applicant is not the legal owner of the property, evidentiary proof that the applicant is the authorized agent of the owner of the property.
- d. A statement describing the variance request and a description of any extraordinary hardship(s) purported to exist.
- e. The property address and the name and mailing address of the owner of each lot within 300 feet of the subject property and a map with parcels keyed to the ownership and address data.
- f. Maps, plats, or drawings, sufficiently dimensioned and detailed as required to illustrate the following, to the extent related to the variance application:
 1. Those conditions or circumstances unique to the property which give rise to the variance request, which may include parcel geometry, wetlands, floodplains, topographic conditions, historic sites, or other such features.
 2. The proposed subdivision design features which would exist, if the variance, as requested, was granted.
 3. The boundaries of the subject property together with adjacent streets and adjoining properties (Section 321.4.e).
 4. The Administrator may request additional information necessary to enable a complete analysis and evaluation of the variance request, and determination as to whether the circumstances prescribed for the granting of a variance exist.
 5. A fee established by the City Council shall accompany the application. A single application may include request for variances from more than one regulation applicable to the same site or for similar variances on two or more adjacent parcels with similar characteristics.

321.5 Public Hearing and Notice

The Commission shall act on the application not more than 45 days following the filing of said application. Notice of public hearing for a variance from the Subdivision Regulations by the Commission shall be given as follows:

- a. Notice shall be given by mail to the applicant at least 15 days prior to the date of the hearing.
- b. Notice shall be given by mail to the owner of each site within 300 feet of the subject property at least 15 days prior to the date of the hearing.

321.6 Action by the Commission

The Commission shall act on the application not more than 10 days following the closing of the public hearing on a variance. The Commission may recommend that a variance be granted as the variance was applied for or in a modified form or subject to conditions or the application may be denied. A variance may be revocable, may be granted for a limited time period or may be granted subject to conditions as the Commission may prescribe. The Commission shall notify the applicant of its decision by mail and/or e-mail.

321.7 The Commission may grant a variance provided affirmative findings of fact are made on each of the following criteria:

- a. That special conditions and circumstances exist which are peculiar to the land. By way of example, special conditions or circumstances peculiar to land could include irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions.
- b. That special conditions and circumstances do not result from the actions of the applicant.
- c. That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, similarly situated.
- d. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- e. In recommending that any variance be granted, the Commission may prescribe appropriate conditions and safeguards in conformity with these regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these regulations and punishable as determined within these regulations.
- f. Variance applications, reports, and recommendations shall be transmitted to the City Council for final disposition.

321.8 A variance shall run with the land and shall continue to be valid upon a change of ownership of the site to which it applies, except as provided in Section 321.9.

321.9 Legislative Disposition

- a. The City Council shall examine all such applications, reports, and recommendations transmitted to it and shall take further action as it deems necessary and desirable to approve, disapprove, modify, or remand to the Commission for further considerations.
- b. The owner or agent of property that requested a variance and subsequently was granted said variance by the City Council must secure a preliminary plat approval within six (6) months of the variance being granted or said variance will expire.

322 - Hearing and Amendments.

322.1 Prior to any amendments, supplements, modifications, or changes to this ordinance, the following requirements shall be met:

322.1.1 A public hearing shall have been held before the Commission at which parties in interest and citizens shall have had an opportunity to be fully heard.

322.1.2 Notice of the proposed change and of the time and place of the hearing shall have been published for at least fifteen (15) days prior to the day of the hearing in an official paper or a paper having a general circulation in the City of Diamondhead.

322.2 After the public hearing, the Commission shall have submitted its report and recommendations upon the proposed change or amendment to the City Council. The City Council shall not take official action upon the change or amendment until the report of the Commission has been received; provided, however, that if the report has not been

filed within 30 days after date of the public hearing, the City Council may then take official action upon the change or amendment.

322.3 Amendments, supplements, changes and modifications may additionally be made in accordance with the laws of the State of Mississippi.

322.4 Amendments, supplements, changes and modifications may be initiated by any one or combination of the following: Mayor, City Council, City Manager, Commission, Administrator, or General Public.

323 - Authority of City Engineer

323.1 The City Engineer or Designated Representative shall have the authority to inspect all improvements to ensure that they are in conformity with all plans, specifications, and any written agreements which have been approved. The City Engineer or Designated Representative has the authority to require the removal and/or replacement, at the expense of the developer, of any phase of the work which is not in accordance to the requirements of the plans approved in accordance with this ordinance.

324 - Engineering Inspection

324.1 The developer shall retain a registered engineer through final construction to supervise biweekly on-site inspections and submit bi-weekly reports to the Administrator. These reports shall include significant events during the reporting period, noted observations, problems and upcoming milestones.

324.2 The developer's engineer will sign and date this report and file with the Administrator by the 1st and 16th of each month. Failure to comply with this provision could result in a stop work order from the City Engineer or Designated Representative.

325 - Public Sites and Open Spaces

325.1 Due consideration shall be given to the allocation of suitable areas for parks and playgrounds to be dedicated for public use. Where shown on a plat, such public sites and open spaces shall be constructed during the development of the subdivision and prior to Final Plat approval.

325.2 Due regard shall be shown for all-natural features such as large trees, water courses, historic spots, and similar city assets which, if preserved, will add attractiveness and value to the property.

325.3 Lakes, ponds, creeks, and similar areas will be accepted by the City for maintenance only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the drainage control system. Such areas must be approved by the Commission and accepted by the City Council before approving the plat.

326 - Special Provisions

326.1 No building, repair, plumbing or electrical permits shall be issued by the City for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for which all public improvements have been provided to said lot nor any structure on a lot within a subdivision in which the standards contained herein or referred to herein have not been complied with in full.

326.2 The City shall not repair, maintain, install, or provide any streets or public utility service in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

326.3 When directed by the City Council, the City Attorney shall institute appropriate legal action to enforce the provisions of this ordinance or the standards referred to herein, with respect to any violation thereof, which occurs within the City or within any area subject to all or a part of the provisions of this ordinance.

326.4 The provisions of this section shall not be construed to prohibit the issuance of permits for any lots upon which a residence building exists and was in existence prior to installation of any street or public utility services for, to, or abutting any lot, the last recorded conveyance of which was prior to initial passage of this ordinance.

327 - Industrial or Commercial Subdivisions

327.1 An industrial or commercial subdivision shall be processed for an approval in the same manner as provided for a residential subdivision with the following exceptions:

- a. A Master Plan showing all intended construction including but not limited to: Buildings; Parking; Access roads; Utilities; striping and traffic controls in accordance with the current Manual on Uniform Traffic Control Devices (MUTCD), etc., shall be submitted by the developer with the Sketch Plat application
- b. Phases of construction, if any, shall be clearly delineated on the Master Plan. Preliminary Plat submission and Final Plat submissions shall be accomplished for each phase. Each Phase must comply with applicable zoning regulations.
- c. Updates to the Master Plan shall be submitted to the Commission for review and approval as needed
- d. Construction Plans which deviate significantly from the current Master Plan will not be approved.

327.2 When local streets (not arterial or collector streets) are platted within an industrial or commercial subdivision, the minimum right-of-way width shall be sixty (60) feet.

327.3 A minimum street width shall be twenty-four (24) feet, not including street shoulder or curb and gutter, if provided. All other streets shall conform to the standards for major and secondary streets prescribed by the master street plan and this ordinance.

327.4 Parking lots, access drives, and service drives intended solely for the use of property owners of said subdivision are not subject to the rules and regulations contained herein and will not be maintained by the City after construction is completed.

328 – Private Subdivisions

328.1 Private subdivisions and communities are allowed only in planned unit developments or in large lot developments having at least one acre lots, subject to the approval of the Administrator, the Commission and City Council.

328.1.1 Private infrastructure must be shown on plats which shall be clearly identified as a private subdivision or community.

328.1.2 Water and sewer connections shall be provided to any proposed private subdivision at the location and in the manner as determined by the water and sewer service provider.

328.2 Private subdivisions shall be processed for approval in the same manner as provided for any typical residential subdivision wherein the infrastructure is to be dedicated to public use and maintenance.

328.2.1 Private subdivisions shall comply fully with the terms, requirements and standards set forth in these Subdivision Regulations regarding every aspect of developing a subdivision and constructing the infrastructure therein.

328.2.2 For the purpose of creating a private subdivision, the final plat thereof shall not include a certificate of dedication as specified in Section 306.1.7(c). However, the final plat of any private subdivision shall include a certificate granting the City of Diamondhead and any other public agency the right of access within the subdivision for the purpose of reading utility meters and administering other necessary public services or inspections.

328.2.3 Private streets shall not be designed as through streets nor as stub streets or half streets for future land divisions on abutting tracts. Private streets must be built to a level of service sufficient for access by emergency and service vehicles at all times.

328.2.4 Private streets inside the private subdivision shall provide unrestricted internal access to all lots.

328.2.5 Private infrastructure and appurtenances shall be held in common ownership by a property owners association.

- a. The developer shall provide a description of the association, including its bylaws and methods for maintaining private infrastructure and association facilities.
- b. The association shall be organized by the developer and shall be operated with a financial subsidy from the developer, before the issuance of any building permits on lots within the development.
- c. Membership in the association shall be automatic for all purchasers of homes, lots, or interests therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be specified.
- d. The association shall be responsible for maintenance of private infrastructure and appurtenances enforceable by liens placed by the city on the association. The association may place liens on the homes, lots, or interests of its members who fail to pay their association dues in a timely manner. Such liens may require the imposition of penalty and interest charges.
- e. The members of the association shall share equitably the cost of maintaining such private infrastructure. Shares shall be defined within the association bylaws.
- f. The association's bylaws or other appropriate documents shall address, but shall not be limited to, the following:
 1. The property owners' association documents must indicate that the infrastructure within the development is private, owned and maintained by the property owners' association and that the City of Diamondhead has no obligation to maintain or repair for any reason.
 2. The property owners' association documents shall include a statement indicating that the City of Diamondhead may inspect private infrastructure and require repairs necessary to ensure that the same are maintained to acceptable standards for use by emergency and service vehicles.

3. The property owners' association may not be dissolved without prior written consent of the City of Diamondhead City Council and the conversion of private streets to public streets, provided the private streets meet the minimum standard for public streets at the time of the conversion.
4. The homeowner's association shall be responsible for payment of bills for water and sewer services as reflected by the reading of master meter located on public right-of-way, provided such master meter is required. Collections and methods of collection from individual homes, lots, or interests within the development shall be the responsibility of the homeowner's association.
- g. The association documents shall contain a provision that requires access to be granted to emergency vehicles, utility personnel, the U.S. Postal Service, and governmental employees in pursuit of their official duties.
- h. All improvements shall comply with ADA and other federal requirements.
- i. Easements shall be provided, when necessary, for stormwater management.
- j. All water and sewer improvements and services shall be constructed to city standards as defined in the current subdivision regulations and applicable ordinances.
- k. If a developer or homeowner association elects to convert private streets or infrastructure to public use, the infrastructure must be brought to current city standards with the burden of proof of adherence to said standards being the complete and total responsibility of the developers, homeowner's association, or the petitioner of such conversion. Such conversion may only take place upon approval of the City Council.

329 - Floodplain Areas

329.1 Land subject to flooding with a frequency of one hundred (100) year flood shall not be subdivided unless precautionary measures are taken to eliminate or minimize flood hazards.

329.1.1 All finished floor elevations shall be in accordance with the City of Diamondhead adopted flood damage prevention ordinance.

329.1.2 This is provided, however, that no fill shall be made, or any subdivision constructed, which will increase flood hazards to other lands, or in any manner to impede or restrict the flow of water in a flood situation.

329.1.3 All areas which remain subject to flooding after the subdivision is constructed shall be delineated on the final plat.

329.2 All utilities and facilities, such as water, sewer, gas, and electrical systems, shall be located, elevated, and constructed to eliminate or minimize flood damage; and adequate drainage shall be provided so as to reduce exposure to flood hazards.

330 - Appeals

330.1 Should any person be aggrieved by the decision of the Commission or any employee of the City of Diamondhead, they shall have the right to appeal such decision within thirty (30) days thereafter to the City Council upon fifteen (15)

days written notice of such grievance directed to the City Council with appropriate copies to the employee, Department or the Commission, as the case shall be.

330.2 Should any person be aggrieved by any decision of the City Council, they shall have the right to appeal same to the Circuit Court of Hancock County, Mississippi, in the manner prescribed by law; and by virtue of Section 11-51-75 Mississippi Code, 1972, (Anon.).

331 - Penalties

331.1 Any person, firm or corporation violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed one thousand dollars (\$1,000.00). In addition to such fine, the City of Diamondhead, Mississippi, through its proper officer or officers, may take such other action by injunction or other court proceeding as it may deem necessary to enforce the provisions of this ordinance.

332 - Saving Clause

332.1 That the provisions of this ordinance shall apply in all instances and shall survive the adoption of all new codes and become a part thereof.

332.2 Additionally, should any section, sub-section, clause, sentence or any part hereof be declared to be unconstitutional, invalid or void by a court of competent jurisdiction, the remainder of this ordinance shall nonetheless remain in full force and effect.

333 - Effective Date

333.1 This ordinance shall not take effect and be in force until thirty (30) days from and after its passage, and the same shall be published and recorded in the ordinance book as required by law. The foregoing ordinance was adopted by the City Council .

ARTICLE IV – PERFORMANCE BOND FOR DEFERRED IMPROVEMENTS

400 - Performance and Payment Bond

400.1 In those instances where the City Council, with a recommendation from the Administrator, determines that it is not necessary or not desirable that all required streets and other improvements be completed prior to approval of the Final Plat, an irrevocable letter of credit, with no termination date, naming the City of Diamondhead as the beneficiary, may be accepted in lieu of completion of streets and other improvements of these subdivision regulations.

ARTICLE V – MAINTENANCE BOND

500 - Maintenance Bond

500.1 In order to assure that the installation and construction of streets and other improvements are satisfactory, and that the standards prescribed in these regulations have been fulfilled, the subdivider shall post a form of security upon completion of these improvements in the amount determined by the Administrator, with the assistance of the City Engineer or Designated Representative, guaranteeing to the city, the reasonable costs resulting from defective workmanship and/or materials. Security shall be provided in the form of an irrevocable letter of credit or maintenance bond.

500.2 This security shall be in effect for two (2) years after acceptance of these improvements for perpetual maintenance by the City Council.

500.3 Where the application of this section would impose an undue hardship upon an owner and/or developer, the City Council, upon the recommendation of the Administrator, may waive the requirements of this section, where the owner or developer has let a contract to a solvent contractor to complete the required street and other improvements and such contract contains a provision requiring a maintenance bond to be in effect for a period of two (2) years after final completion of the work.

ARTICLE VI – SUBDIVISION APPLICATIONS AND CHECKLISTS

600 – Applications and Checklist

600.1 All applications and checklist for Sketch Plat Approval, Preliminary Plat Approval, Final Plat Approval, or Replat shall be in writing on a form provided by the Administrator and shall be submitted to the Administrator. Said applications may be obtained from the Administrator or its designee.

600.2 The Administrator may require any additional information which is deemed necessary to properly evaluate the application for the purposes of determining its conformity with these Regulations.

600.3 Prior to the approval of any Plat, the Administrator shall review the application for such approval to determine if all other necessary governmental requirements have been met. No plat shall be approved until this determination has been made.

600.4 The Administrator shall submit a copy of any plan and application to any appropriate agencies and/or individuals (e.g. the Commission, City Engineer, etc.) for review and comment.

601.5 All applications for Sketch Plat Approval, Preliminary Plat Approval, Final Plat Approval, or Replat shall meet the requirements as set forth in ARTICLE III – PROCEDURES in regard to content and deadlines.

ARTICLE VII – SUBDIVISION REGULATION FEE SCHEDULE

700 – Single / Multi-Family

700.1 Sketch Plat Application

700.1.1 Sketch Plat Application shall be approved by the Development Review Committee, the Commission and City Council.

700.2 Sketch Plat Application

<u>No. of Lots</u>	<u>Fee</u>
1 to 5 lots	\$100.00
6 to 10 lots	\$150.00
11 to 30 lots	\$200.00
31 to 100 lots	\$250.00
101 or more lots	\$350.00

700.2.1 Preliminary Plat Application shall be approved by the Administrator, unless not compliant with Sketch Plat.

700.3 Construction Inspection and Review

700.3.1 5% of construction valuation, based on construction value submitted by developer for roads, drainage, signage, grading and filling and utilities (other than water and sewer) and by approved by the City Engineer or Designated Representative, payable when construction plans and detailed construction value are submitted by developer. This fee covers two (2) reviews of construction plans by City Engineer or Designated Representative. If more than two (2) reviews of construction plans are required, developer will be charged additional fees for additional costs incurred during reviews.

700.4 Final Plat Application shall be approved by the Administrator and City Council, unless not compliant with Preliminary Plat.

700.5 Replats

700.5.1 \$75.00 - Subdividing 1 lot to 3 lots fronting an existing city or county road with existing utilities and within a metes and bounds property description will need to file a replat application. Approval required from the Administrator and City Council.

700.5.2 Replatting existing lot or lots in an existing subdivision: see final plat fee schedule for single / multi-family. Approval required from the Administrator and City Council.

701 - Commercial and Industrial Projects

701.1 Sketch Plat Application

701.1.1 Sketch Plat Application fee shall be in accordance with 700.3.1.

701.1.2 The City Engineer or Designated Representative approval required on construction value.